

COURT OF CRIMINAL APPEALS NO. PD-0314-18

JEREMY CUEVAS

VS.

STATE OF TEXAS

* **IN THE COURT OF** FILED
* COURT OF CRIMINAL APPEALS
* 8/22/2018
* **CRIMINAL APPEALS** DEANA WILLIAMSON, CLERK
*
* **AT AUSTIN, TEXAS**

APPELLANT'S FIRST MOTION TO EXTEND TIME TO FILE A BRIEF
IN RESPONSE

TO THE HONORABLE JUSTICES OF SAID COURT:

COMES NOW, JEREMY CUEVAS, Appellant, by and through his court-appointed attorney, pursuant to Texas Rules of Appellate Procedure 10.5 (b)(1) and 70.2, who files this Motion to Extend time to File Appellant's Brief in Response, and would show this Honorable Court as follows:

I.

The deadline for filing Appellant's Brief in Response was August 10, 2018. Counsel for appellant received notice today, August 21, 2018, that this responsive brief is overdue. Counsel for appellant was in a jury trial (U.S.A. v. David Rodriguez, S.D. TX no. 2:18-cr-00018) during the week the State filed it's brief in support of its petition for discretionary review. Counsel works alone, without any staff support, and failing to schedule the deadline for filing a responsive brief was an unfortunate oversight. Counsel has made telephonic contact with the clerk

of this Court to inform of the immediate filing of this motion to extend time.

II.

In support of this request, counsel for appellant will inform the Court he just completed a brief e-filed last evening August 20, 2018, at 9:30 p.m.. in the Fifth Circuit Court of Appeals on a 28 U.S.C. §2255 habeas petitioner's appeal of a denial of a certificate of appealability in U.S.A. v. Jason McDonnel, Criminal Case no. 2:15-cr-803 / Civil Case no. 2:17-cv-218.

Counsel is currently working on numerous pending appeals - Ruben Gonzalez v. State, 13-17-00502-CR (Sexual Assault-brief due September 5), Larry Boyd v. State, 13-18-342-CR (310 years on child pornography-brief due September 14), Tyler Schultz v. State, 13-17-443-CR (Murder-brief due September 21), U.S.A v. Jesus Valdez, 5th Cir. No. 18-40404 (brief due September 26), Orry Arthur v. State 13-18-168-CR (Evading arrest - brief due November 5)

III.

Appellant seeks an extension of 15 days from the date of this motion's filing (August 21, 2018), to file Appellant's Brief in Response by September 5, 2018.

IV.

Appellant has had zero (0) previous extensions to file his brief in response.

This request is not made for any purpose of delay, rather it is made so that justice may be done.

WHEREFORE, PREMISES CONSIDERED, appellant Jeremy Cuevas, through his undersigned appointed counsel, moves this court to grant an extension to file appellant's brief in response until 15 days from the date this motion is filed, and for all other relief to which appellant is entitled to in law and equity.

Respectfully submitted,

/s/ Travis Berry

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CERTIFICATE OF SERVICE

A true and correct copy of Appellant's Motion for Extension of Time has been delivered via e-filing to Stacey Soule, the State Prosecuting Attorney, at information@spa.texas.gov, on this August 21, 2018.

A true and correct copy of Appellant's Motion for Rehearing has been also been delivered via e-filing to Bee County District Attorney Jose Aliseda, at jose.aliseda@co.bee.tx.us, on this August 21, 2018.

/s/ Travis Berry

Travis Berry